IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:		Atty. Docket No.:	003797.84611
John L BEEZER et al.			
Serial No.:	09/465,879	Group Art Unit:	2174
Filed:	December 16, 1999	Examiner:	M. Tran
For:	METHOD AND APPARATUS FOR FOSTERING IMMERSIVE READING OF ELECTRONIC DOCUMENTS	Confirmation No.:	9430

APPEAL BRIEF

U.S. Patent and Trademark Office
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Sir:

This is an Appeal Brief in accordance with 37 C.F.R. § 41.37 in support of appellants' February 3, 2005 Notice of Appeal. Appeal is taken from the Final Office Action mailed November 3, 2004, and the Advisory Action mailed January 28, 2005. Please charge any necessary fees in connection with this Appeal Brief to our Deposit Account No. 19-0733.

REAL PARTY IN INTEREST

37 C.F.R. § 41.37(c)(1)(i)

The owner of this application, and the real party in interest, is Microsoft Corporation.

RELATED APPEALS AND INTERFERENCES

37 C.F.R. § 41.37(c)(1)(ii)

There are no related appeals and interferences.

STATUS OF CLAIMS
37 C.F.R. § 41.37(c)(1)(iii)

Claims 1, 4, 9, 12, 22, 27 and 29-34 stand rejected and claims 2-3, 5-8, 10-11, 13-21, 23-26 and 28 were previously canceled. Only pending claims 1, 4, 9, 12, 22, 27 and 29-34 are shown in the attached appendix.

Appellants hereby appeal the rejection of claims 1, 4, 9, 12, 22, 27 and 29-34.

STATUS OF AMENDMENTS
37 C.F.R. § 41.37(c)(1)(iv)

No amendments were filed subsequent to the final Office Action of November 3, 2004; and all prior amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER
37 C.F.R. § 41.37(c)(1)(v)

In making reference herein to various portions of the specification and drawings in order to explain the claimed invention, Appellants do not intend to limit the claims; all references to the specification and drawings are illustrative unless otherwise explicitly stated.

The present invention is directed to "presenting electronic documents in a manner that fosters an immersive reading experience like that provided by a printed paper document, while providing enhanced functionality beyond the functionality provided by a printed paper documents." *Specification*, p. 1, lines 7-10.

An immersive reading page of a book displayed on a computer display mimics the presentation provided on a traditional printed paper page without displaying traditional user interface elements such as pop-up or pull-down menus and help balloons, while still providing the user access to enhanced functionality. *Specification*, p. 2, line 18 to p. 3, line 2; p. 12, line 16

to p. 13, l. 2; Fig. 5, ref. 500. The enhanced functionality to which the claims are directed is navigational functionality where, for example, the user can page forward or page backward.

The navigational functionality is transparently associated with a page number of the immersive reading page "such that a user may access the functionality by tapping on interaction zones associated with . . . [a page number] but no visual indicators or controls are displayed on the immersive reading page." *Specification*, p. 3, line 18 to p. 4, line 1; see p. 13, lines 3-6; see also p. 4, lines 12-14. According to an illustrative example depicted in Fig. 5, "when a user taps an area immediately to the left of the page number 512, a previous page is displayed and when a user taps an area immediately to the right of the page number 512, a subsequent page is displayed." *Specification*, p. 13, lines 8-11. The navigational functionality is accessible to a user "without the addition of traditional user interface features and the book is presented in manner that encourages the immersive reading experience." *Specification*, p. 4, lines 2-5; p. 13, lines 15-18.

In another aspect, the invention provides a training mode for teaching the user the transparent association between the page number and the navigation functionality. *Specification*, p. 4, lines 18-19; p. 16, lines 14-15. In one scenario, when the training mode is activated, the immersive reading page is displayed with visual indicators 910, 912 to indicate, usually to a new user, the navigational functionality associated with the page number. *Specification*, p. 17, lines 2-6; Fig. 9. Visual indicators 910 and 912 are displayed to the right and left of the page number, respectively, to indicate the navigation functionality of paging forward and backward, respectively. *Specification*, p. 17, lines 6-11; Fig. 9. In another scenario, when the training mode is activated, audio indicators in the form of recorded sounds may be played to the user to teach

the association between the page element and the navigational functionality. *Specification*, p. 17, line 17 to page. 18, line 2.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

37 C.F.R. § 41.37(c)(1)(vi)

Claims 1, 4, 9, 12, 22, 27 and 29-34 stand rejected under 35 U.S. C. § 103(a) as being unpatentable over U.S. patent no. 5,955,034 to Sachs et al. ("Sachs '034") in view of U.S. patent no. 5,463,725 to Henckel et al. ("Henckel").

ARGUMENT

37 C.F.R. § 41.37(c)(1)(vii)

The final office action (paper no. 25) alleges that Sachs '034 shows all the elements of independent claims 1, 9 and 33, but for a page number being displayed on the page. To overcome this deficiency, the action relies on Henckel.

Independent claims 1 and 9 each call for, among other features, associating navigational functionality with a page number of an immersive reading page, the page number having a corresponding interactive region, and displaying another immersive reading page of the electronic document in response to the user selecting the interactive region corresponding to the page number of the immersive reading page, wherein the navigational functionality associated with the page number is transparent to the user prior to the user selecting the interactive region corresponding to the page number of the immersive reading page. Independent claim 33 calls for, among features, associating navigational functionality with an element of the immersive reading page, the element having a corresponding interactive region, and displaying another immersive reading page of the electronic document in response to the user selecting the interactive region corresponding to the element of the immersive reading page, wherein the navigational

functionality associated with the element is transparent to the user prior to the user selecting the interactive region corresponding to the element of the immersive reading page.

To show the aforementioned features of claims 1, 9 and 33, the action alleges that col. 5, lines 41-52 and Fig. 3A of Sachs '034 describe associating navigation functionality with an element (pointing to hand icons 104 and 106) of an immersive reading page, the element having a corresponding interactive region (pointing to icon 102). The action relies on Henckel to show displaying the page number.

Nowhere does Sachs '034 suggest that hand icons 104 and 106 are elements of an immersive reading page. In addressing this position, the final office action states as follows: "Applicant argues that the hand icons 104 and 106 of the Sachs's system are not elements of an immersive reading page. However, the Examiner does not agree because the hand icons are located inside the reading page 100 of figure 3A. Because they are located within the reading page, they are considered as the elements of the reading page." *Final Office Action*, paper no. 25, p. 5.

In their specification, appellants defined "elements of an immersive reading page" as "elements that would appear in a traditional paper book page." *Specification*, p. 3, lines 17-18. These elements include page number, title and content. *Id.*, at lines 15-16. Importantly, appellants can be their own lexicographer and define terms in their specification. In such instances, appellants' definition dictates the interpretation of the claim term. *Toro Co. v. White Consolidated Indus, Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d. 1065, 1069 (Fed. Cir. 1999); *MPEP* § 2111.02.

Applying appellants' definition, it is clear that Sachs '034 merely shows associating navigation functionality with a hand icon, which does not in any manner constitute an element or a page number of the immersive reading page as defined in appellants' specification and as recited in claims 1 and 9 (page number) and claim 33 (element). More specifically, the hand icons are not elements that would appear in a traditional paper book page. The Advisory Action contests this notion as follows: "[i]t is not clear what is the standard for disqualifying the hand icon as a display in traditional paper book page." *Advisory Action*, paper no. 20050124, p. 2, lines 1-2. Appellants respectfully submit otherwise. In Fig. 3A of Sachs '034, display text 100 merely includes the text portion of the display page 60a and does not encompass the icons 102, which form the icon portion of the display page 60a including hand icons 104, 106 and icon 108. The icons 102 serve as a user interface control for accessing navigation functionality in Sachs '034. *Sachs '034*, col. 5, lines 51-53. Tellingly, the icons only can provide such functionality in electronic reading materials and would have no meaning in a traditional paper book page. As such, it is abundantly clear that the icons 104 and 106 were added to the electronic reading materials and would not have been appeared in a traditional paper book page.

In view of the above, Sachs '034 lacks a teaching or suggestion of associating navigational functionality with an element (or page number) of an immersive reading page. Combining Henckel with Sachs '034, even if proper, simply adds the display of the page number and does not remedy the defects of Sachs '034. The resulting combination would have included hand icons located proximate to a page number on an electronic reading page. However, the navigation functionality would still have been associated with the hand icons and not the page number.

Moreover, the combination of Sachs '034 and Henckel would have resulted in the hand icons being displayed adjacent to the page number. As such, the navigation functionality would not have been transparent to the user prior to the user selecting one of the hand icons. Namely, the hand icons would have provided a visual indication as to the navigation functionality associated with the page number in contrast to the recitation in claims 1, 9 and 33 that the navigation functionality associated with the element or page number of the immersive reading page be transparent to the user prior to the user selecting the interactive region. Eliminating the hand icons as suggested by the action would have been contrary to the very notion of associating navigational functionality with an element of the immersive reading page. If the hand icon were an element of an immersive reading page, eliminating the hand icon would have been contrary to the invention and also would not have resulted in the invention.

The Advisory Action responds to a similar argument made by appellants in the last response that the "navigation functionality does not have to be [associated with] a displayed element of the immersive reading page." *Advisory Action*, paper no. 20050124, p. 2, lines 3-4. To the contrary, by definition, elements [e.g., a page number] of an immersive reading page are "elements that would appear in a traditional paper book page." *Specification*, p. 3, lines 17-18 (emphasis supplied). In addition, the Advisory Action in refuting an arguments similar to that presented in the previous paragraph contends that "hand icon [sic] are transparent to the user in figures 3B, 4 [of Sachs '034]." *Advisory Action*, paper no. 20050124, p. 2, line 4. Appellants agree that the hand icons are not shown to the user in Figs. 3B and 4 of Sachs '034. Importantly, the navigational functionality associated with the hand icons is also not available to the user from the user interfaces depicted in Figs. 3B and 4. Indeed, Sachs '034 suggests nothing more than the

user accessing the navigational functionality by actually selecting icons 104 and 106 when they are displayed as shown in Fig. 3A. See *Sachs '034*, col. 5, lines 15-38; Fig. 5A.

In sum, the combination of Sachs '034 and Henckel, even if proper, would not have resulted in the inventions of claims 1, 9 and 33. Claims 4, 12, 22, 27, 29-32 and 34, which ultimately depend from one of claims 1, 9 and 33, are patentable over the applied art for the same reasons as their base claim, and further in view of the novel features recited therein.

CONCLUSION

For all of the foregoing reasons, Appellants respectfully submit that the final rejection of claims 1, 4, 9, 12, 22, 27 and 29-34 is improper and should be reversed.

Respectfully submitted,
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CLAIMS APPENDIX

37 C.F.R. § 41.37(c)(1)(viii)

1. In a computer system having a user interface, including a display and a selection device, a method of displaying an electronic document, the method comprising the steps of:

displaying at least a portion of the electronic document to a user as an immersive reading page, the immersive reading page mimicing a printed paper page;

associating navigational functionality with a page number of the immersive reading page, the page number having a corresponding interactive region; and

displaying another immersive reading page of the electronic document in response to the user selecting the interactive region corresponding to the page number of the immersive reading page, wherein

the navigational functionality associated with the page number is transparent to the user prior to the user selecting the interactive region corresponding to the page number of the immersive reading page.

4. The method of claim 1, further comprising the step of invoking a training mode for teaching the association to a user.

9. A computer-readable medium having stored thereon computer-executable instructions for performing a method of displaying an electronic document, the method comprising the steps of:

displaying at least a portion of the electronic document to a user as an immersive reading page, the immersive reading page mimicing a printed paper page;

associating navigational functionality with a page number of the immersive reading page, the page number having a corresponding interactive region; and

displaying another immersive reading page of the electronic document in response to the user selecting the interactive region corresponding to the page number of the immersive reading page, wherein

the navigational functionality associated with the page number is transparent to the user prior to the user selecting the interactive region corresponding to the page number of the immersive reading page.

12. The computer-readable medium of claim 9 having stored thereon computer-executable instructions, for performing the step of invoking a training mode for teaching the association to a user.

22. The method of claim 1, wherein the electronic document is a book in electronic form and the immersive reading page mimics a printed paper page of a book.

27. The computer-readable medium of claim 9, wherein the electronic document is a book in electronic form and the immersive reading page mimics a printed paper page of a book.

29. The method of claim 1, wherein the displaying includes displaying only one immersive reading page at a time.

30. The method of claim 1, further including teaching the association to the user by providing audio indicators.

31. The computer-readable medium of claim 9 having stored thereon computer-executable instructions, wherein the step of displaying includes displaying only one immersive reading page at a time.

32. The computer-readable medium of claim 9 having stored thereon computer-executable instructions, for performing the step of teaching the association to the user by providing audio indicators.

33. In a computer system having a user interface, including a display and a selection device, a method of displaying an electronic document, the method comprising the steps of:

displaying at least a portion of the electronic document to a user as an immersive reading page, the immersive reading page mimicing a printed paper page;

associating navigational functionality with an element of the immersive reading page, the element having a corresponding interactive region; and

displaying another immersive reading page of the electronic document in response to the user selecting the interactive region corresponding to the element of the immersive reading page, wherein

the navigational functionality associated with the element is transparent to the user prior to the user selecting the interactive region corresponding to the element of the immersive reading page.

34. A computer readable medium having computer-executable instructions stored thereon for performing the method of claim 33.

EVIDENCE APPENDIX

37 C.F.R. § 41.37(c)(1)(ix)

NONE

RELATED PROCEEDINGS APPENDIX

37 C.F.R. § 41.37(c)(1)(x)

NONE